

STANDARD APPLICATION  
Harford County  
Board of Appeals  
Bel Air, Maryland 21014

Case No. 5451  
Date Filed 09/22/04  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee 150

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation  
☐ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☒ Minor Area Variance  
☐ Area Variance  
☐ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code \_\_\_\_\_

CASE 5451 MAP 41 TYPE Area Variance

ELECTION DISTRICT 03 LOCATION 1322 Prospect Mill Road, Bel Air, MD

BY Micheal E. and Gail M. Rupprecht

Appealed because a variance pursuant to Section 267-23C(1)(a)(2) to allow a porch to encroach more than 3' into the front setback, (6' proposed), in the Agricultural District requires approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name MICHAEL E. RUPPRECHT Phone Number 410-879-4511  
Address 1322 Prospect Mill Rd. Bel Air Md. 21015  
Street Number Street City State Zip Code

Co-Applicant GAIL M. RUPPRECHT Phone Number 410-879-4511  
Address 1322 Prospect Mill Rd. Bel Air Md. 21015  
Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property 1322 Prospect Mill RD.

Subdivision COOPER'S CHANCE

Lot Number #5 Appl'd

Acreage/Lot Size 100' x 200'

Election District 22

Zoning AG

Tax Map No. 41 Grid No. 2D Parcel 587 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: ONE STORY STUCCO RANCHETTE : Primary Residence.

Estimated time required to present case: 20 min.

If this Appeal is in reference to a Building Permit, state number No

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☒ No ☐

## Request

To Extend 2 Additional Feet To overhang porch And to Cover with Extension of existing Roof.

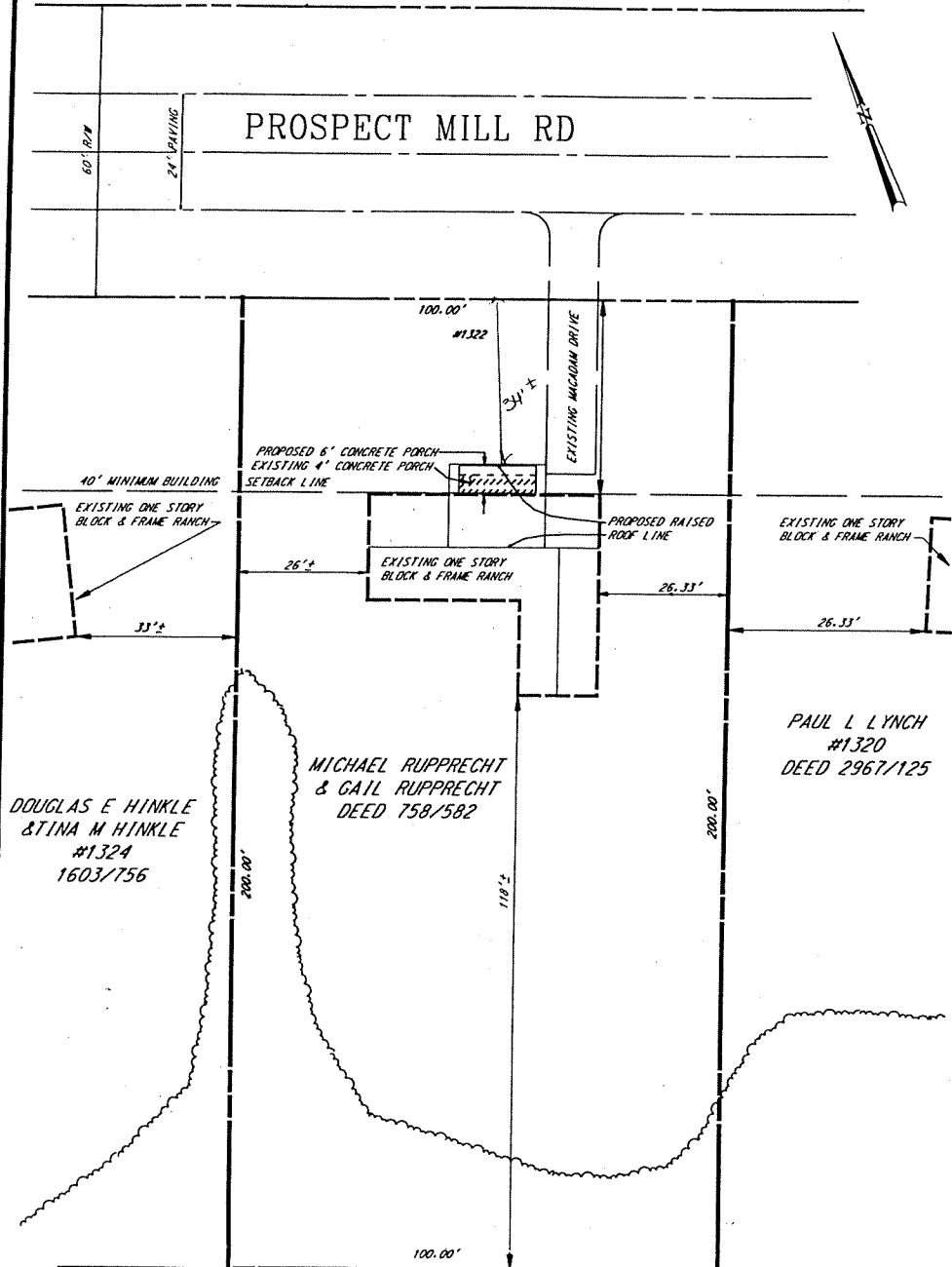
## Justification

1. To protect entry area from weather conditions And to prevent further structural damage to existing living areas -

2. To provide protected entry area for residence And guests from weather. ie, Rain, Wind.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

RAY MILLER FARRINGTON AND AUDREY L FARRINGTON  
DEED 872/820 (NOT DEVELOPED)  
MAILING ADDRESS 1329 PROSPECT MILL RD



OWNERSHIP NOT AVAILABLE IN HARFORD COUNTY TAX RECORDS  
(NOT DEVELOPED)

SCALE: 1" = 30'

**JAMES M. HARKINS**  
HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**  
DIRECTOR OF ADMINISTRATION



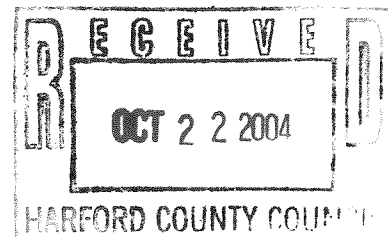
**J. STEVEN KALL-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## **HARFORD COUNTY GOVERNMENT**

### **Department of Planning and Zoning**

October 7, 2004

#### **STAFF REPORT**



#### **BOARD OF APPEALS CASE NO. 5451**

APPLICANT/OWNER: Michael E. Rupprecht  
1322 Prospect Mill Road, Bel Air, Maryland 21015

Co-APPLICANT: Gail M. Rupprecht  
1322 Prospect Mill Road, Bel Air, Maryland 21015

REPRESENTATIVE: Applicant

LOCATION: 1322 Prospect Mill Road – Cooper's Chance  
Tax Map: 41 / Grid: 2D / Parcel: 587 / Lot: 5  
Election District: Third (3)

ACREAGE: 100 x 200  
20,000 square feet

ZONING: AG/Agricultural

DATE FILED: September 22, 2004

HEARING DATE: November 17, 2004

#### **APPLICANT'S REQUEST and JUSTIFICATION:**

##### **Request:**

“To extend 2 additional feet to existing porch and to cover with extension of existing roof.”

*Preserving our values, protecting our future*  
(410) 638-3103

MY DIRECT PHONE NUMBER IS

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • [www.co.ha.md.us](http://www.co.ha.md.us)

*This document is available in alternative format upon request.*

## STAFF REPORT

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Michael & Gail Rupprecht

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### Justification:

1. "To protect entry area from weather conditions and to prevent further structural damage to existing living area."
2. "To provide protected entry area for residents and guests from weather, i.e. ice, rain, wind."

### **CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-23C(1)(a)[2] to allow a porch to encroach more than 3 feet into the front yard setback (6 feet proposed) in an Agricultural District.

Section 267-23C(1)(a)[2] of the Harford County Code reads:

*[2] Bay windows, balconies, chimneys or porches: three (3) feet.*

### **LAND USE and ZONING ANALYSIS:**

#### Land Use – Master Plan:

The Applicant's property is located on the south side of Prospect Mill Road east of Fountain Green Road (MD Route 543). A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 1 and 2).

The subject property is located on the edge of the Development Envelope. The predominant land use designations are Low and Medium Intensity, Rural Residential and Agricultural. The Natural Features Map reflects stream systems. To the north and east of the subject property, there are areas of Agricultural Preservation Districts and Easements. The subject property is located in the Low Intensity designation, which is defined by the 2004 Master Plan as:

**Low Intensity** – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are examples of some of the nonresidential uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 3 and 4).

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Michael & Gail Rupprecht

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### Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. Residential uses include single-family dwellings and townhouses. Institutional uses include C. Milton Wright High School and churches. The area to the northeast contains agricultural uses and woodland. Commercial uses are generally located along US Route 1 to the north and MD Route 22 to the southeast. Enclosed with the report is a copy of the aerial photograph (Attachment 5).

The subject property is a rectangular shaped lot approximately 20,000 square feet in size that fronts on the south side of Prospect Mill Road. Prospect Mill Road is a County road that carries traffic from Churchville Road (MD Route 22) to Fountain Green Road (MD Route 543). The lot is part of the Cooper's Chance subdivision that was recorded in January 1957. The topography of the front yard is basically level with the road; however, it slopes down from the front of the house to the rear property line. The front half of the lot, which contains the improvements, is a mix of open land with mature trees and shrubbery. The rear half of the lot is densely wooded and backs up to a much larger area of dense woodland. Improvements consist of a single-family dwelling. Attached to the rear of the dwelling is a sunroom. Other improvements include a blacktopped driveway, brick walkways and landscaping. Enclosed with the report is a topography map, an enlargement of the aerial photograph and site photographs (Attachments 6, 7 and 8).

### Zoning:

The existing zoning classifications in this area are consistent with the intent of the 2004 Master Plan as well as the existing land uses. Residential zoning ranges from RR/Rural Residential to R3/Urban Residential Districts. The zoning north of Prospect Mill Road is predominantly AG/Agricultural. The subject property is zoned AG/Agricultural. Enclosed with the report is a copy of the Zoning Map (Attachment 9).

### **SUMMARY:**

The Applicants are requesting a variance pursuant to Section 267-23C(1)(a)[2] to allow a porch to encroach more than 3 feet into the front yard setback (6 feet proposed) in an Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

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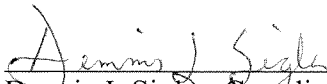
Michael & Gail Rupprecht

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The Department finds that the subject property is unique. Because of the curve in the road and the staggering of the homes along Prospect Mill Road, the reduced setback will not be noticeable from the road or the adjacent properties. The reduced setback will not impact traffic along Prospect Mill Road. The request if approved will not adversely impact the intent of the code or the surrounding neighborhood.

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the Applicants obtaining all necessary permits and inspections for the construction of the covered porch.



Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/ka